

# ATTACHMENT 4

AFFIDAVIT

STATE OF WASHINGTON )

COUNTY OF Whatcom )

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JESSE MILLER, being first duly sworn on oath, deposes and says:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations, and was one of the agents who originally investigated and later testified at trial in *United States v Henry Rosenau*, CR06-157. I make this affidavit regarding my post-trial investigation done in preparation for the retrial of defendant Rosenau.

2. I read Mr. Rosenau's trial testimony. He testified that he sold the Robinson 44 C-FRKM helicopter in a handshake deal in the summer of 2005, that a Canadian named Richard Long was the buyer who took possession of it after making a \$20,000 cash down payment, and that Richard Long flew the smuggling load on September 21, 2005. I read that Mr. Rosenau testified that, around 9:00 a.m. on September 21, 2005, he saw Richard Long pilot C-FRKM into and land at The Shop near Hope, B.C. Mr. Rosenau further testified that Mr. Long shut C-FRKM down, put wheels on its skids, and briefly met with Mr. Rosenau. Mr. Rosenau testified that he threw his pack into the helicopter under the seat while Mr. Long walked away from the helicopter and towards the bathroom. Mr. Rosenau testified that RCMP members approached and talked to him during the time that Mr. Long had stepped away from the aircraft. Mr. Rosenau further testified that he saw Mr. Long leave the property while the RCMP were talking to him.

3. I investigated to determine whether Richard Long was the helicopter pilot and, therefore, was the real smuggler on September 21, 2005. To do so, I researched the name "Richard Long" in Canada and learned that there had been a helicopter pilot who died in a Bell 206 Jet Ranger helicopter crash on September 26, 2005, five days after RCMP filmed and approached Mr. Rosenau.

1           4.       Although I could not contact Richard Long, I was able to reach his widow,  
2       Adrienne Long, on June 27, 2012, and, later, their adult son. When I inquired if they  
3       recalled Mr. Long's activities in 2005, they had clear recollections of the family actions in  
4       the days preceding his death. Mrs. Long explained that her husband did not have the  
5       Robinson 44 C-FRKM, that he was constructing a residence in Hope with their son that  
6       summer, and indicated that she might have retained financial records relating to the  
7       construction.

8           5.       Within a few days Adrienne Long called me and said that she had retrieved  
9       some financial records regarding her husband's activities on September 21, 2005. On  
10      July 2, 2012, I spoke with her son, Brennan Long, regarding his activities with his father  
11      on September 21, 2005. That same day I met Adrienne Long at the Sumas Port of Entry.  
12      Mrs. Long provided the receipts which she had found in her records. The receipts show  
13      purchases and returns her husband and son made on September 21, 2005, and she gave  
14      the receipts to me.

15          6.       That same day, July 2, 2012, I spoke with Brennan Long via telephone.  
16      During that conversation Brennan Long told me that he and his father were building a  
17      residence in the weeks before his death. Brennan Long said that he knew that on  
18      September 21, 2005, he and his father drove to Chilliwack, B.C., in Richard Long's black  
19      Ford F-350 truck and bought supplies for the construction project.

20          7.       On July 9, 2012, I met Brennan Long at the Sumas Port of Entry and  
21      reviewed the receipts with him. Brennan Long gave more detail about Wednesday,  
22      September 21, 2005. He recalled that he drove to his father's home in Abbotsford, B.C.,  
23      around 7:30 a.m. to work on the residence he and his father were building on Othello  
24      Road in Hope, B.C. That particular morning, Brennan Long and his father drove together  
25      in his father's truck from Abbotsford to Chilliwack, B.C., to buy plumbing supplies.  
26      Brennan Long said they were in the process of installing a pump in the well on the  
27      Othello Road property. He reviewed and initialed the receipts as the receipts he and his  
28

1 father received that day and affirmed those as accurately representing their locations and  
2 actions that morning.

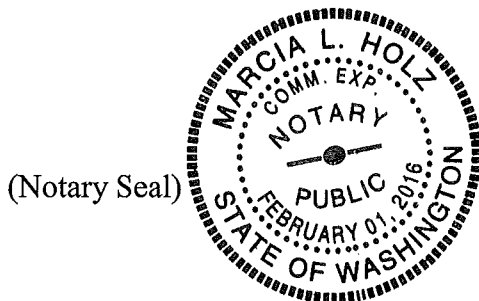
3 8. Mr. Brennan Long has signed an affidavit relaying the facts he related to  
4 me. The receipts Adrienne Long gave me and that Brennan Long reviewed are attached  
5 to his affidavit.


6 9. I previously was an attache to the ICE office in Vancouver, British  
7 Columbia, Canada. During that assignment I lived in British Columbia and am familiar  
8 with the locations referenced above. Specifically, I am familiar with the location of The  
9 Shop, of Hope B.C., of Abbotsford, and of the businesses in Chilliwack, B.C. I know that  
10 it is physically impossible for Richard Long to have landed the helicopter at The Shop  
11 between 9:00 a.m. and 11:30 a.m. on the morning of September 21, 2005, and to have  
12 been in Chilliwack with his son at the same time. Chilliwack is a 44 mile drive from The  
13 Shop.

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16 JESSE MILLER, Special Agent - ICE

17 STATE OF WASHINGTON )  
18 )  
19 COUNTY OF Whatcom ) ss.

20 SUBSCRIBED and SWORN to before me this 17th day of  
21 October 2012, by Jesse Miller.



26   
27 Notary Public in and for the State  
28 of Washington, residing  
at Blaine WA  
My appointment expires 2-1-2016